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No. 610

In the

Supreme Court of the United States

OCTOBER TERM, 1965.

SIME SORIC, also known as SAM SORIC,
Petitioner,

vs.

IMMIGRATION & NATURALIZATION SERVICE,
Respondent.

Petition For Review Of Deportation Order.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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SUPREME COURT OF THE UNITED STATES

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No.

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vs.

IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

The Petitioner, SIME SORIC, also known as SAM SORIC, prays that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the Seventh Circuit, affirming the decision and order of the Special Inquiry Officer of the Respondent, and denying petition for review of the order of deportation entered by the Immigration and Naturalization Service, Respondent.

JUDGMENT AND OPINION OF THE COURT BELOW.

The decision of the Special Inquiry Officer of the Immigration and Naturalization Service ordering deportation is printed in the Appendix "A".

The opinion of the Court of Appeals has been officially reported at 346 F(2nd) 360 and will be found in Appendix "B".

JURISDICTION.

The judgment of the Court of Appeals sought to be reviewed was dated and entered on June 5, 1965. A timely petition for rehearing was denied by said Court on June 28, 1965. The mandate of the Court of Appeals was stayed for ninety (90) days from the date of the denial of the petition for rehearing, pending the filing of a petition in this Court for a Writ of Certiorari.

Jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED.

1. Was the denial of the petition for withholding of deportation an abuse of discretion?

2. Will the economic persecution to which the Petitioner would be subject upon his deportation to Yugoslavia be "physical persecution" within the meaning of the statute in question?

3. Is the prison sentence which Petitioner would be required to serve upon his return to Yugoslavia "physical persecution" within the meaning of the statute involved?

4. Just how much evidence must the Petitioner present in a case of this nature in support of his application for withholding of deportation?

STATUTES INVOLVED.

Section 243(h) of the Immigration and Nationality Act, 8 U.S.C.A. 1253(h), which provides:

> "The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason."

STATEMENT OF THE CASE.

The petitioner is a native of Yugoslavia, presently stateless, who entered the United States as a crewman, and who overstayed his "shore leave." He was an outspoken anti-communist who fled from Yugoslavia in 1955 because his life had been threatened and he was being sought for an undisclosed reason at the time of his flight.

He subsequently learned that he was being sought on the charge of "illicit commerce with gold or foreign currency" and he also found out that he had been sentenced *in absentia* for two years and two months in prison, but that upon his return to Yugoslavia, he would be retried on this charge. The Petitioner claimed that the charge was a false one, and only an excuse to further prosecute him for his anti-communist views.

Petitioner had a hearing for deportation, at which time he presented evidence to show that he came within Section 243(h) of the Immigration and Nationality Act, but the application was denied by the Immigration and Naturalization Service. The denial was appealed to the Court of Appeals, which upheld the decision of the Immigration and Naturalization Service.

REASONS FOR GRANTING THE WRIT OF CERTIORARI.

In the case of *Dunat* v. *Hurney*, 297 F(2nd) 744, the Court said:

> "In denying Dunat's application, the Attorney General acting through his designees, said the following in construing the phrase 'physical persecution': 'The fact that the applicant might be denied employment for church membership or for failure to join the Communist Party is likewise not within the import of the term 'physical persecution'.' We think that this was an erroneous interpretation of that phrase. *Statutory construction is a question of law.* (emphasis ours) *Norton* v. *Warner Co.*, 321 U.S. 565 (1944), and such questions, Justice Frankfurter said in *O'Leary* v. *Brown-Pacific-Maxon, Inc.*, 340 U.S. 504, 508 (1951), are 'peculiarly appropriate for independent judicial ascertainment'. On not infrequent occasions, statutory standards involved in deportation proceedings have been independently construed by the courts. *E. G. McGrath* v. *Kristensen*, 340 U.S. 162 (1950) ('residing in the United States'). *Fong Haw Tan* v. *Phelan*, 333 U.S. 6 (1948) ('sentenced more than once'). *There is no basis for thinking that Congress gave the Attorney General the exclusive right to interpret the statute".* (emphasis ours)
>
> *"However, there is no basis for thinking that 'physical persecution' required or even connotes the use of intense physical force applied to the body with all the dramatics of the rack and wheel'.* (emphasis ours) The denial of an opportunity to earn a livelihood in a country such as the one involved here is the equivalent of a sentence to death by means of slow starvation and none the less final because it is gradual. The result of both is the same, and it is one that Congress, motivated by the humanitarian instincts that have always characterized our conduct and that of our civilization, certainly hoped to avoid when subsection 243(h) was enacted.

"In any event, it is abundantly clear from the record before us that the Regional Commissioner gave the statutory phrase 'physical persecution' the same erroneous construction as did the special inquiry officer and which, as pointed out heretofore, constituted an error of *law*. (emphasis ours).

"All that remains for us is to apply a legal standard enacted by Congress and interpreted by the courts to the uncontradicted facts before us. See *O'Leary* v. *Brown-Pacific-Maxon, Inc.*, 340 U.S. 504. It is our conclusion that an indefinite stay of deportation should be entered subject to changing circumstances, Dunat's deportation under other appropriate statutory provisions, and supervision over him by the Attorney General under subsection 242(d) of the Immigration and Nationality Act, 8 UC.S.C. Section 1252(d)."

In the opinion on the rehearing, the Court said the following:

"However, all of us (meaning the eight members of the Court referred to) agree, contrary to what seems to have been the position of the Attorney General during administrative consideration of this case, that economic proscription so severe as to deprive a person of all means of earning a livelihood may amount to physical persecution. *On reargument this position was conceded by the government.*" (emphasis ours)

The concession by the Government that economic sanctions are physical persecution within the meaning of the statute is a most important one and should guide the decision of this court.

The present case is very similar to the *Dunat* case, being that of a Catholic crewmember who "jumped ship" and refused to join the Communist Party, and who will be denied employment upon his return to Yugoslavia.

In the re-opened hearing, the petitioner proved that he has a prison sentence of two (2) years and two (2) months awaiting him upon his return to Yugoslavia. The sentence was handed down *in absentia* on the false charge that the petitioner dealt in foreign currency illegally. Besides the imprisonment which is definite and certain, he will undoubtedly be imprisoned for escaping from a totalitarian regime.

An excellent discussion of the entire question is found in *Sovich* v. *Esperdy,* 319 F. (2nd) 21 (1962). Among other things, the court said:

> "We do not suggest that any incarceration for even *political* crimes, such as the one here involved, would constitute physical persecution under section 243(h). However repugnant to our own concept of justice, a brief confinement for illegal departure or for political opposition to a totalitarian regime would not necessarily fall within the ambit of Congress's special concern in enacting this provision. We are unwilling to believe, however, that Congress has precluded from relief under section 243(h) an alien threatened with long years of imprisonment, perhaps even life imprisonment, for attempting to escape a cruel dictatorship. Such a construction of the statute would attribute to Congress an insensitivity to human suffering wholly inconsistent with our national history.
>
> "We hold, therefore, that the Attorney General, through his delegate, erroneously construed the limits of his discretion in ruling that imprisonment for illegal departure may never constitute 'physical persecution' within the purview of Section 243(h)."

The court also said:

> "Reason as well as authority supports the position that the standards employed by the Attorney General in exercising his discretion under Section 243(h) are

subject to judicial review. The Attorney General's assessment of the conditions obtaining in any particular country, is, of course, a political matter, a 'question of fact'. It is equally clear, we believe, that the standards by which those conditions are to be judged—what Congress meant by the expression 'physical persecution'—is a question of law. For the courts to rule upon that issue is not an intrusion into the Attorney General's discretion. It is rather an interpretation of the statutory prerequisites to any proper exercise of his discretion."

Again, further in the same decision, the court said:

"Devotees of such regimes do not risk life and limb to violate statutes prohibiting departure. It would be naive to suppose, therefore, that punishment for illegal departure, under these circumstances, is not politically motivated, or does not constitute punishment 'because of * * * political opinion'.

Justice Medina, in a separate concurring opinion stated:

"Section 243(h), referred to in both the majority and the dissenting opinions, authorizes the Attorney General to withhold deportation to any country in which in his opinion the alien would be subject to 'physical persecution'. I do not see how the rulings of the Special Inquiry Officer and the Regional Commissioner can mean anything other than that imprisonment for illegal departure may never constitute 'physical persecution'. If this is so, the construction thus given to the statute is not only utterly repugnant to our national traditions and history, it is also patently inconsistent with the intention of the Congress in enacting Section 243(h). A decision based upon such misreading of the law must necessarily be capricious and arbitrary."

The Petitioner strongly urges the fact that the conviction *in absentia* is conclusive proof that the Petitioner

will be physically persecuted, as contemplated in the *Sovich* case.

The Court erred in its decision where it stated that the only evidence that the conviction was a pretext to persecute the petition for his political and religious views was his own testimony. Two other persons testified that the petitioner was a known anti-communist and was in constant difficulty with the authorities. (See Record, pages 106 through 111)

It is well known that critics of communist regimes do not fare well, to put it very mildly. The Petitioner presented the best evidence in support of his contention that the conviction was politically motivated as was possible in these cases. Information from communist countries is difficult or impossible to obtain for private persons, particularly information such as is needed here.

After the Petitioner presented the copy of the record of conviction and the rest of his evidence, the burden should have shifted to the Government to overcome such evidence, but the evidence is unrepudiated in the Record. The American Embassy in Yugoslavia or American Consular Officials could more easily have obtained copies of the court proceedings relating to the conviction, if the Government wished to overcome any proof which the Petitioner introduced.

The Government, having failed to overcome the *prima facie* case which the Petitioner had proved, the application for withholding of deportation should have been granted.

CONCLUSION.

For the foregoing reasons, the Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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APPENDIX A.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A-11 907 367 — Chicago September 3, 1963

In the Matter of)
SIME SORIC) IN DEPORTATION PROCEEDINGS
Respondent)

Charges:
I & N Act—Section 241(a)(2) (8 USC 1251(a)(2)); nonimmigrant crewman — remained longer than permitted.

Application:
Withholding of deportation to Yugoslavia under Section 243(h) of the Immigration and Nationality Act.

In Behalf of Respondent:
Nathan T. Notkin, Attorney
11 S. LaSalle Street
Chicago, Illinois

In Behalf of Service:
George Minton,
Acting Trial Attorney
Chicago, Illinois

DECISION OF THE SPECIAL INQUIRY OFFICER

This record relates to a 45 year old, married male alien, a native and last a citizen of Yugoslavia, who claims that he is now stateless. The respondent last entered the United States at Houston, Texas on October 2, 1955, when he was admitted as a nonimmigrant crewman. He was authorized to remain in the United States for a period of time not to exceed 29 days and he remained in the United States beyond that period without permission. Deporta-

tion proceedings were instituted against the respondent by the issuance of an order to show cause on June 9, 1960. He was accorded a hearing in deportation proceedings on June 10, 1960, and he conceded that the allegations in the order to show cause were true and he admitted that he was subject to deportation on the charge contained in the order to show cause.

In the course of that hearing the respondent applied for the privilege of voluntary departure in lieu of deportation. He indicated that if granted such permission he would go to Belgium but admitted that he had no permission to enter that country. In view of the fact that the respondent did not have permission to enter Belgium it was concluded that he was not eligible for voluntary departure and on June 13, 1960 an order was entered directing his deportation on the charge in the order to show cause. The respondent designated Belgium as the country to which his deportation should be directed if required by law. On June 28, 1960 a warrant of deportation was issued by the District Director of this Service in Chicago, directing that the respondent be deported to Yugoslavia. Thereupon the respondent applied for withholding of deportation to Yugoslavia under Section 243(h) of the Immigration and Nationality Act. (Exhibit 4)

On March 3, 1963 the Trial Attorney in behalf of the Service submitted a motion in which he set forth that on August 12, 1960 a special inquiry officer recommended that the respondent's application for a stay of deportation under Section 243(h) be denied and that on August 29, 1960 the Regional Commissioner denied the application. The Trial Attorney moved that the proceedings be reopened for the purpose of permitting the respondent's application under Section 243(h) of the Immigration and Nationality

Act to be considered under the amended regulations contained in Title 8 CFR, Section 242.17(c). On March 13, 1963 an order was entered by the Special Inquiry Officer directing that the deportation proceedings be reopened for the foregoing purpose.

In the reopened hearing the report of the interrogation conducted on July 20, 1960 in connection with the respondent's application under Section 243(h) of the Immigration and Nationality Act was incorporated in the present proceedings without objection (Exhibit 5). In the report of interrogation the following facts were developed: the respondent resided at his birthplace in Yugoslavia until he was 12 years of age. He completed five years elementary school, two years technical training as a blacksmith and two years training as a machinist. The respondent's wife and his two daughters, 18 and 15 years of age, are residing in Yugoslavia. In addition his parents, one sister and two brothers are living in Yugoslavia. The respondent's wife is not employed and he has been contributing regularly to the support of his wife and children. The respondent was employed as a crewman in Yugoslavia from the time he was 14 years of age until 1955, except for two periods of time when he was in military service. From 1938 until 1940 he served in the Yugoslav Royal Army and from 1943 to to October, 1945, he served in the Partisans under Marshal Tito. He claims that he was required to serve in the Partisan forces against his wishes. After his release from military service the respondent was employed as a crewman on small vessels around the Adriatic Sea from 1945 to 1949 and was thereafter employed on larger ocean going vessels from 1949 to 1951. During this latter period he made two entries into the United States as a crewman and departed with his vessel. Start-

ing in 1951 his employment as a crewman was limited to smaller vessels because he was anti-communist and only those whom the Yugoslav government trusted were permitted to work on the ocean going ships.

The respondent claims that his employment as a crewman was terminated in 1955 because he had made anti-communist statements and also because he had not joined the Communist Party. When the Yugoslav police started to make inquiries about him he decided to flee from Yugoslavia. He proceeded to Italy in a small boat and eventually arrived in France where he was given refugee status. A travel document was issued to him by the French government which was valid for a period of two years. He thereafter left France because of the lack of employment there and proceeded to Italy where he received employment as a crewman on a ship coming to the United States. When the ship arrived in this country the respondent deserted.

The respondent testified that after he fled from Yugoslavia he learned from his wife that the Yugoslavia police were searching for him. Because he fled from Yugoslavia hardships were imposed upon his wife and children in that they were required to move into a smaller apartment in the building where they had lived since 1950 and for a period of time his children were not permitted to attend school. In the course of the interrogation the respondent stated that he did not know whether any particular charge was pending against him in Yugoslavia. He expressed the belief that if he was deported to Yugoslavia he would be imprisoned or executed because of his political opinions in opposition to communism. As examples of the persecution that exists in Yugoslavia he stated that his wife's brother had been killed in Yugoslavia in 1944 by the secret communist police and that they had threatened to execute the respondent's brother in 1946. The respondent stated

that he had never been arrested on any charge in Yugoslavia.

In the course of the interrogation two witnesses testified in behalf of the respondent. His cousin, Steve Soric, stated that he had fled from Yugoslavia in May, 1956 and entered the United States an an immigrant in March, 1959. He had resided next door to the respondent's mother in Yugoslavia and heard that the police were looking for the respondent because he was anti-communist. The respondent's cousin, Frank Soric, testified that he had fled from Yugoslavia in August, 1955 and entered the United States as an immigrant in March, 1959. He had resided in a town close to that of the respondent in Yugoslavia and knew that the respondent was discharged from his crewman job because of his anti-communist beliefs. He stated the police had been looking for the respondent and had questioned members of the family concerning his whereabouts. Both of the witnesses expressed the opinion that the respondent would be imprisoned or executed if deported to Yugoslavia.

In the reopened deportation hearing the respondent's cousin, Steve Soric, expressed the opinion that if the respondent is deported to Yugoslavia it would be impossible for the respondent to obtain employment because the Yugoslav government controls every job. The witness admitted that he did not have any exact knowledge concerning any anti-communist who had returned to Yugoslavia after fleeing the country and who was unable to secure employment. He stated he had heard about some persons who returned to Yugoslavia and who had been placed in prison. He was unable to furnish the names of any person who had been unable to secure employment upon returning to Yugoslavia. It is apparent that this witness had no personal

knowledge which could constitute a valid basis for his expression of opinion regarding the respondent's inability to secure employment in Yugoslavia.

In the reopened deportation hearing the respondent stated that he would not be able to obtain any employment whatsoever in Yugoslavia because of his outspoken and proven anti-communism. He expressed the belief that he could not exist in Yugoslavia unless he had a piece of land and a place to live. He is required to pay for the education of his children while schooling is free for the children of Communist Party members. He has been sending $120 a month for the support of his wife and children.

The respondent submitted for the record a court decree from Rijeka, Yugoslavia, which shows that he was convicted in absentia on July 6, 1955 for violation of Article 226, Section 1 and Article 234, Section 1 of the Criminal Code of Yugoslavia and was sentenced to imprisonment for a term of two years and two months (Exhibit 6). The court record also shows that the respondent's wife and children petitioned the court to nullify the sentence to imprisonment on the ground that the sentence had lapsed under the statute of limitations and on March 16, 1962 the court denied the petition. Counsel for the respondent stated for the record that an inquiry by him to the Yugoslav consul in Chicago had developed that the offenses for which the respondent was convicted relate to illicit commerce with gold or foreign currency.

The respondent stated that he did not have any foreign currency but was employed on board a ship and the authorities for some reason formed the belief that he was stealing foreign currency and discharged him from his employment and before the trial came up he had escaped and was sentenced *in absentia*. He expressed the belief that the

charge was made against him primarily because he was an anti-communist. He then admitted that he first learned of his conviction in 1955 in France, two months after the sentence was imposed upon him. It is noted that when he was interrogated in July, 1960 he stated that he knew of no charges pending against him in Yugoslavia. His wife had informed him in letters of persons who had escaped from Yugoslavia and who thereafter returned and were unable to obtain employment in that country. He was not able to furnish the names of any individuals. He admitted that he had not returned to Yugoslavia since 1955 because of the outstanding conviction and because he is not a communist.

The Trial Attorney submitted for the record a document entitled Yugoslav Facts and Views, which is dated March 23, 1962, and which deals with an amnesty law issued in Yugoslavia in March, 1962. From an examination of that document (Exhibit 7) it is not clear whether the offense for which the respondent was convicted in Yugoslavia is included within the provisions of the amnesty. For the purpose of this decision the amnesty will be disregarded.

Under Section 243(h) of the Immigration and Nationality Act the Attorney General is authorized to withhold deportation of any alien to any country in which in his opinion the alien would be subject to physical persecution. It has been held that the phrase "physical persecution" means confinement, torture or death inflicted on account of race, religion or political viewpoint (*Blazina* v. *Bouchard*, 286 F 2d 507). It has further been held that economic sanction so severe as to deprive a person of all means of earning a livelihood may constitute physical persecution. (*Dunat* v. *Hurney*, 297 F2d 744) The burden rests on the respondent in these proceedings to establish

that he would be subject to physical persecution within the meaning of the statute if he is deported to Yugoslavia.

The respondent has made vague, general claims in support of his contention that if he was deported to Yugoslavia he would be denied all opportunities of employment. He has submitted no substantial evidence in support of his claim. It may be that he would be denied employment on ocean-going vessels. However, it is improbable that he would be precluded from any and all means of earning a livelihood. Although there may be restrictions on the type of work the respondent can obtain in Yugoslavia and while he may be limited to less desirable employment, there is no substantial evidence to support a claim that he will be denied all opportunities of employment within the ruling in *Dunat* v. *Hurney* (*supra*).

The respondent has submitted no evidence in support of his contentions that his conviction in Yugoslavia in 1955 was politically motivated and was, in fact, imposed upon him because he was anti-communist. In considering the respondent's uncorroborated testimony and in the light of his apparent self-interest the facts in the record do not justify the conclusion that because of the purpose, nature and duration of the punishment imposed upon the respondent, his conviction, in fact, constituted physical persecution on racial, religious or political grounds.

It is noted that the respondent continued his usual employment as a crewman in Yugoslavia for a period of about ten years after the communist regime took control over that country, although he claims he was openly anti-communist. The members of his family have not been physically persecuted since he left Yugoslavia in 1955. The economic sanctions applied against his wife and children in requiring them to move into a smaller apartment

and in refusing to permit his children to attend school for a period of time do not constitute physical persecution within the provisions of Section 243(h). Lawful conviction followed by imprisonment for crime does not constitute physical persecution. On the evidence in the record it cannot be found that the sentence imposed upon the respondent in Yugoslavia in 1955 constitutes physical persecution within the provisions of Section 243(h) of the Immigration and Nationality Act.

On the record the respondent has not met the burden of establishing that he would be subjected to physical persecution if he is deported to Yugoslavia and accordingly his application under Section 243(h) of the Immigration and Nationality Act will be denied. This decision is based solely on the evidence of record.

ORDER: IT IS ORDERED that the respondent be deported from the United States to Belgium on the charge contained in the order to show cause.

IT IS FURTHER ORDERED that if the aforenamed country advised the Attorney General that it is not willing to accept the respondent into its territory or fails to advise the Attorney General within three months following original inquiry whether it will or will not accept the respondent into its territory, the respondent shall be deported to Yugoslavia.

IT IS FURTHER ORDERED that the respondent's application for withholding of deportation to Yugoslavia under Section 243(h) of the Immigration and Nationality Act be denied.

/s/ OTTO A. ECK
OTTO A. ECK
Special Inquiry Officer

APPENDIX B.

IN THE

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

No. 14752 September Term, 1964—April Session, 1965

SIME SORIC, also known as SAM SORIC, *Petitioner,* v. IMMIGRATION AND NATURALIZATION SERVICE, *Respondent.*	Petition for Review of an Order of the Immigration and Naturalization Service.

JUNE 3, 1965

Before DUFFY, KNOCH and KILEY, *Circuit Judges.*

KILEY, *Circuit Judge.* The Attorney General, through his delegates, denied an application of petitioner Soric, formerly a seaman, whose last citizenship was Yugoslavian, under Sec. 243(h)[1] of the Immigration and Nationality Act of 1952, 66 Stat. 166, 8 U.S.C. §1101 *et seq.*, for withholding of Soric's deportation to Yugoslavia. Soric challenges the ruling, but we affirm.

Soric jumped ship in Texas in 1955 and overstayed his crewman's leave. He was ordered deported in 1960 and his application for withholding of deportation was denied.

[1] "The Attorn y General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reasons."

The district court in 1961 granted summary judgment against Soric in his action to review the order. This court affirmed, *Soric* v. *Flagg*, 303 F. 2d 289 (7th Cir. 1962). On the Government's motion Soric's application was later reconsidered under new federal regulations[2] effective January 22, 1963, and an evidentiary hearing was held, after which, on September 3, 1963, Soric's application for withholding of deportation was denied and he was ordered deported. His appeal to the Board of Immigration Appeals was unsuccessful and the proceeding before us followed on petition for review under 8 U.S.C. §1105(a).

The only matter raised in the second hearing not considered and passed upon both in the administrative hearings and before this court in the original proceeding was the question of Soric's conviction *in absentia*, shortly after he fled Yugoslavia in 1955, for illicit dealing in foreign commerce and currency. He was sentenced to two years and two months in prison, but under Yugoslavian law he would have to be retried in person upon his return.

We see no abuse of discretion in the finding that Soric failed to sustain his burden of proving his contention that his conviction was politically motivated and without basis and that imprisonment upon his return would constitute "physical persecution" within the meaning of the statute. The only evidence of the conviction was a decree from a collateral proceeding in which Soric's wife and daughters sought to have the conviction set aside, showing only the charges and the sentence. The only evidence that the conviction was a pretext to persecute Soric for his political and religious views was Soric's own testimony.

We do not preclude the possibility that a politically motivated conviction and sentence could under some circumstances amount to physical persecution, see *Sovich* v. *Esperdy*, 319 F.2d 21 (2d Cir. 1963). But we think that there was no abuse of discretion in the conclusion of the Special

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[2] 8 C.F.R. §242.17 (Supp. 1964).

Inquiry Officer and the Board of Appeals that Soric failed to sustain his burden of showing that such was the case here. Our power to review the order is limited to the questions whether the proper legal standards were applied and whether the Attorney General abused his discretion. *Soric* v. *Flagg*, 303 F.2d 289 (7th Cir. 1962).

We find no error in either respect and the order is affirmed.